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Held at Headquarters, New York, on Wednesday, 30 September 2009, at 11 a.m.

Chairman: Mr. Urbina ..... (Costa Rica)

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The meeting was called to order at 11.05 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Introduction by the Chairman of the Committee

2. **The Chairman** recalled that in Security Council resolution 1810 (2008), paragraph 8, the Committee had been requested to consider a comprehensive review of the status of implementation of resolution 1540 (2004) and to report to the Council on its consideration of the matter. On 27 March 2009, the Committee had submitted to the Security Council a report on modalities for considering such a review (S/2009/170). As recommended in that document, the current open-ended meeting was being held with wide participation on the part of international, regional and subregional organizations and other invited entities. The meeting was intended to assess the evolution of risks and threats; address specific critical issues that had not yet been resolved; and identify possible new approaches for the implementation of the resolution. It should be seen as a forum for Member States and the invited organizations and entities to exchange experiences.

Statements by Member States and international, regional and subregional organizations and other entities

3. **Mr. Parham** (United Kingdom) said that non-proliferation remained an important global issue. The nightmare scenario of non-State actors gaining access to weapons of mass destruction remained a serious threat best countered through multilateralism, cooperation and partnership. The United Kingdom's Global Threat Reduction Programme, which had an annual budget of £36.5 million, carried out physical protection work and supported the Nuclear Security Fund of the International Atomic Energy Agency (IAEA). His country would continue to cooperate with the Group of Eight and the Organization for Security and Cooperation in Europe (OSCE) to promote implementation of Security Council resolution 1540 (2004).

4. Most Member States had submitted reports to the Committee, and it was now important to consider how to assist States in implementing the resolution, and how to engage with non-reporting States. In some States, the resolution had underscored action that was already being taken, while in others, it had acted as the driver to put effective measures in place. As such laws were not always drafted with specific reference to the resolution, it could be difficult to determine exactly how the resolution had affected legislation, even in cases where it had influenced a State's understanding of non-proliferation issues. The resolution might also have encouraged States to engage with other non-proliferation instruments.

5. The United Kingdom was continuing to review its enforcement capabilities, legislation and procedures. It had recently deposited instruments of ratification for the International Convention for the Suppression of Acts of Nuclear Terrorism, and aimed to ratify the amended Convention on the Physical Protection of Nuclear Material in 2010. Cooperation was required among organizations addressing the security of materials for weapons of mass destruction, law enforcement, borders, counter-terrorism and counter-proliferation. No State should be complacent and presume that it had done everything possible, nor were States expected to have undertaken all necessary measures before submitting a report.

6. Regional outreach events were an important way to communicate that message, and the Committee should consider ways further to develop such events. In cooperation with regional or subregional organizations, assistance could be adapted to local needs, with the Committee and experts providing greater guidance to States.

7. The Committee's role as a clearing house should also be strengthened, and its mechanisms made more accessible, in order to make the formulation of a national action plan less daunting. More information could be made available on previous requests for assistance, including how they had been structured and resolved. Assistance might also address how to map existing regulations, legislation and action in order to identify gaps. The matrix had proven to be a useful approach; efforts to simplify it would be welcome, but key information must not be lost. The Committee should consider how to share matrices in a responsible manner.

8. The expert staff of the Committee had a valuable but limited role. The Committee and its experts could help launch the implementation process, but States would increasingly receive assistance from such

partners as international, regional and even non-governmental organizations. Security Council resolutions 1540 (2004), 1673 (2006) and 1810 (2008) had made it clear that such organizations would not redefine the mandate of the Committee. However, where States had national action plans, or other more specific or informal plans, access to implementation assistance ought to be facilitated.

9. The Committee itself could also enhance its performance. The Working Group structure had succeeded in focusing on given issues without creating additional bureaucracy, improvement and development should continue. In order to ensure continuity for newly elected Members of the Security Council, more could be done to prepare States for membership and to convene the Committee soon after their induction. Departing Members could continue to support and promote the resolution.

10. **Mr. Heller** (Mexico) said that it was encouraging that as of July 2009, only 32 States had yet to submit a national report. However, the Committee's task was not only to ensure submission of reports, but also to determine whether the measures adopted by States were effective. The difficulties confronting States included the ambitious and complex nature of the resolution and the human, technical and financial resources required for its implementation. The wide acceptance of the resolution was partly a result of the Committee's focus on cooperation with States. Technical and financial assistance was essential in order to help certain States and regions to overcome the lack of capacity. It was therefore important to adopt an approach of shared responsibility and to foster cooperation among States, international and regional organizations, and even non-governmental organizations. An excellent example was the Committee's cooperation with the United Nations Office for Disarmament Affairs (ODA) in organizing regional workshops on the implementation of the resolution. Such forums allowed dialogue between experts in priority areas. That approach should be promoted with a focus on the specific needs of each region.

11. Mexico had submitted two reports. The first, in 2004, had outlined the relevant policies and legal framework. The second, in 2006, contained complementary information on legal developments and on compliance with international non-proliferation agreements. In 2007, Mexico had established a High-Level Specialized Committee to coordinate Federal action on disarmament, terrorism and international security. Action had also been taken to respond to emergencies at Mexico's borders and establish an accounting system for nuclear and radioactive materials. Provisions had been introduced in order to prevent, detect and report money-laundering and the financing of terrorism. A Federal Act had recently been adopted in order to enact the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

12. The implementation of the resolution was an additional burden for small countries that had renounced weapons of mass destruction and did not possess significant dual-use industries. Nevertheless, that process was valuable not only in its own right, but also in order to target other forms of criminal conduct such as the trafficking of drugs and small arms and light weapons.

13. Security Council resolution 1887 (2009) had reaffirmed the commitment of the international community to nuclear non-proliferation. At the same time, the risk of proliferation could be eliminated only through the total elimination of weapons of mass destruction. Disarmament and non-proliferation were mutually reinforcing processes.

14. **Ms. Dunlop** (Observer for Brazil) recalled that her country had been a Member of the Security Council when resolution 1540 (2004) was adopted. Even before that time, Brazilian legislation had contained numerous relevant provisions. In 2004, Brazil had established PRONABENS, a national programme to promote public-private cooperation in the area of sensitive goods, thereby becoming one of the first States to fulfil its obligations under paragraph 8 (d) of the resolution. The Inter-Ministerial Commission for the Control of the Export of Sensitive Goods was conducting a training programme on identifying products used to create weapons of mass destruction.

15. The international community had largely heeded the call for stringent measures to prevent non-State actors from gaining access to weapons of mass destruction and their means of delivery. Given that each country had specific needs, the most effective response to global threats was not to impose stricter controls from above, but rather to ensure that the necessary capacities and resources were available.

Brazil had hosted a regional seminar on the implementation of resolution 1540 (2004) in November 2008, focusing on the need for capacity-building in the areas of export and border control. Nevertheless, the outcome document of the review process should reflect the need for further cooperation, in particular with regard to capacity-building. The best way to prevent the proliferation of weapons of mass destruction was to eliminate such weapons. Disarmament should therefore receive as much attention as non-proliferation.

16. **Mr. Marschik** (Austria) said that a multilateral approach to security, including disarmament and non-proliferation, was the most effective way to harmonize national legislation governing the non-proliferation of weapons of mass destruction. His country therefore welcomed the progress achieved to date in the implementation of Security Council resolution 1540 (2004) and supported enhanced cooperation between the Committee and relevant international, regional and subregional organizations, as well as other subsidiary bodies of the Security Council. He stressed that the latter bodies would also benefit from a common strategy on cooperation with international organizations and coordinated strategies for the delivery of technical assistance.

17. While outreach and information exchange would continue to be an important part of the Committee's relationship with other organizations and entities, the Committee must also seek to build mutually advantageous relationships with key organizations that had much broader mandates. The participation of a large number of such organizations in the comprehensive review process, including export control bodies with particular expertise in dual-use goods and the transfer of controlled goods, would contribute towards furthering the implementation of Security Council resolution 1540 (2004), strengthening institutional relationships and enhancing expertise.

18. Furthermore, the Committee's clearing-house role should shift the focus away from specific elements of the resolution and should be more geared towards governance capacities. Such an approach would create the conditions for sustainable implementation of the resolution while also ensuring a sense of national ownership.

19. In the final analysis, the comprehensive review should produce concrete recommendations to further improve implementation of the resolution and the international community must do its utmost to ensure that weapons of mass destruction could never fall into the hands of non-State actors.

20. **Mr. Çorman** (Turkey) said that Security Council resolution 1540 (2004), which had been adopted in recognition of the need for international cooperation to counter the unprecedented threat of weapons of mass destruction falling into the hands of terrorists, had become an important part of the global non-proliferation and counter-terrorism regimes. The recent improvement in the level of implementation of that indispensable international instrument was particularly welcome.

21. The Committee already had in place the tools necessary to improve implementation further. Technical assistance should be provided through the organization of regional and subregional conferences, seminars and workshops, which could also be an effective means of raising awareness about the resolution. However, since the Committee's awareness-raising objectives had already largely been met, the Committee might also consider holding more thematic events in the future to enable participants to address more specific implementation gaps related to the resolution.

22. A regional approach was also essential because the level of implementation, while high overall, remained low in certain regions. Outreach events specifically tailored to the needs of those regions were therefore highly desirable. International, regional and subregional organizations could also help to enhance regional implementation, develop best practices and serve as centres of excellence in various regions. Turkey therefore supported increased cooperation between the Committee and such organizations.

23. Full implementation of the resolution would enhance not only the safety and security of individual nations but that of the entire world. However, since a chain was only as strong as its weakest link, the international community must provide technical assistance to those countries currently less able to meet their commitments under the resolution.

24. **Mr. Liu** Zhenmin (China) said that, despite a growing consensus on its importance, the international non-proliferation regime had been seriously impaired. The current multilateral mechanism in place therefore needed to be further strengthened to counter the

existing threat posed by the spread of weapons of mass destruction and their means of delivery.

25. As a permanent member of the Security Council, China had always taken a highly responsible approach towards non-proliferation issues. Accordingly, China was actively involved in international cooperation on non-proliferation, participated in all relevant international treaties and organizations and faithfully carried out its international obligations. In that respect, China attached particular importance to effective export controls through the continuous strengthening of its national legislation and law enforcement measures.

26. His Government had undertaken tireless efforts aimed at the comprehensive and effective implementation of Security Council resolution 1540 (2004) in China. Hence, the relevant requirements of the resolution had already become an integral part of China's non-proliferation regime and legal system.

27. His country had been one of the first to submit its national report on implementation of the resolution to the Committee. Furthermore, it had participated in the Committee's work in a constructive manner, maintaining close communication with the Committee on issues concerning the implementation of the resolution.

28. China had supported regional efforts to promote the implementation of the resolution, including by co-hosting a seminar in July 2006 on implementation of the resolution in the Asia-Pacific region and another seminar in July 2009 on non-proliferation and disarmament. China also stood ready to provide other countries with technical assistance, where appropriate.

29. The Committee should continue to work towards the comprehensive, balanced and effective implementation of Security Council resolution 1540 (2004), which required close coordination among the entire international community. To that end, in line with the resolution, Member States should, inter alia: establish and strengthen their national export control legislation and law enforcement measures, engage in international cooperation, share lessons learned and strive to improve their level of implementation of the resolution.

30. **Mr. Hoang Chi Trung** (Viet Nam) said that his country supported enhanced dialogue and cooperation between the Committee and Member States, United Nations bodies and other relevant international, regional and subregional organizations with a view to, inter alia: sharing experiences and lessons learned; assessing the evolution of risks and threats; addressing critical issues; and identifying new approaches for the implementation of Security Council resolution 1540 (2004). The review process should be undertaken in a comprehensive and balanced manner to help reinforce the Committee's consistency, effectiveness and transparency in key areas of its work. The imposition of unnecessary or overlapping obligations on Member States should be avoided.

31. The Committee had played an important role in preventing the proliferation of nuclear, chemical and biological weapons, and in promoting universal adherence to existing international non-proliferation treaties. As such, Viet Nam attached the utmost importance to its work. At the same time, it was important to stress that Security Council resolution 1540 (2004) should be implemented on the basis of full respect for the Charter of the United Nations and international law, national independence and sovereignty, and non-interference in the internal affairs of individual countries. On that basis, Viet Nam would continue to work with the Committee towards the full implementation of the resolution, the general and complete disarmament of all weapons of mass destruction and the eradication of international terrorism.

32. **Mr. Cuculi** (Observer for Italy) recalled that, in the L'Aquila Statement on Non-Proliferation issued following the Group of Eight summit held recently under the presidency of Italy, those leaders had called on all States to fully implement Security Council resolution 1540, to support the Committee's fulfilment of its renewed mandate and to participate actively in the comprehensive review process. Furthermore, they had adopted a set of recommendations for a coordinated approach to prevent the knowledge of scientists, engineers and technicians from being diverted for weapons of mass destruction and terrorist purposes.

33. **Mr. Sergeyev** (Observer for Ukraine) said that Security Council resolutions 1540 (2004), 1673 (2006) and 1810 (2008) played a crucial role in the fight against terrorism and called on all States to implement those resolutions fully. While commending the Committee's ongoing efforts to combat nuclear, biological and chemical terrorism, he urged the

Committee to pay particular attention to those regions where the need for the implementation of Security Council resolution 1540 (2004) was most pressing.

34. A broad and comprehensive concept was needed to counter the threat posed by potential proliferation of weapons of mass destruction and their means of delivery. In that respect, the European Security Strategy, entitled "A Secure Europe in a Better World", provided a good basis for consolidating efforts and transforming aspirations into concrete actions.

35. Ukraine fully supported the objectives of the Global Initiative to Combat Nuclear Terrorism and the Proliferation Security Initiative, which were a testament to the international community's ongoing and necessary efforts to counter the growing threat of nuclear terrorism. It also strongly supported regional cooperation with the Organization for Security and Cooperation in Europe in order to address that threat in a more comprehensive and vigorous manner.

36. **Mr. Koné** (Burkina Faso) welcomed the comprehensive review, which provided the international community with an opportunity not only to take stock of its achievements to date in the implementation of Security Council resolution 1540 (2004), but also to identify remaining gaps where its efforts must be stepped up. Such an exercise was increasingly important in view of the continuing danger that, despite the successes in implementation of the resolution, weapons of mass destruction might still be able to fall into the hands of non-State actors, particularly terrorist groups.

37. The international community had made important progress over the past five years in providing a collective response to that threat, as clearly demonstrated by the large number of States that had submitted preliminary reports and supplementary information to the Committee. Other notable achievements made by States to date included the introduction of amendments to bring national legislation into line with the provisions of the resolution; the adoption of national action plans; and the strengthening of national capacities in specific areas, such as customs and border controls.

38. As a party to most of the international legal instruments related to non-proliferation and disarmament, Burkina Faso was engaged in the process of reviewing its own national legislation and was taking the necessary steps to establish effective control mechanisms, particularly in the area of border controls. An inter-ministerial committee coordinating national efforts to implement Security Council resolutions 1267 (1999), 1373 (2001) and 1540 (2004) would also be established shortly in Burkina Faso.

39. To build on the partial successes achieved, additional efforts were required by the international community within the framework of the implementation of Security Council resolution 1540 (2004), including: greater interaction between Member States and non-member States; sustained assistance to strengthen national capacities, where necessary; continuously updated and harmonized national matrices; and increased cooperation with international organizations with expertise in the field of non-proliferation.

40. Burkina Faso attached considerable importance to the March 2009 recommendations of the Committee to make more effective use of existing funding mechanisms, including the consideration of the establishment of a voluntary fund. In accordance with Security Council resolution 1887 (2009), it was also important to share best practices with a view to improved safety standards and nuclear security practices, and to raise standards of nuclear security to reduce the risk of nuclear terrorism

41. **Mr. Stein** (Observer for the Organization of American States) said that the General Assembly of the Organization of American States (OAS) had passed numerous resolutions to combat the proliferation and use of weapons of mass destruction. Resolution 2333 (XXXVII-O/07) entitled "Support for implementation at the hemispheric level of United Nations Security Council resolution 1540", which was adopted in June 2007, was one of the first of its kind in the region.

42. The Committee on Hemispheric Security, which was responsible for non-proliferation issues within OAS, had undertaken a number of initiatives to assist States in implementing resolution 1540 (2004). In so doing, it was supported by the Secretariat of the Inter-American Committee against Terrorism (CICTE), one of three departments within the Secretariat for Multidimensional Security. Through CICTE, the Secretariat for Multidimensional Security fulfilled three functions.

43. First, it raised awareness of resolution 1540 (2004). Its joint legislative programme with the United Nations Office on Drugs and Crime (UNODC)

encouraged States to ratify the principal counter-terrorism instruments. One component of its border control programme consisted in detecting chemical, biological, radiological and nuclear agents that could be used for illegal activities, including terrorism. Within that context, CICTE had organized a regional training programme on nuclear terrorism in June 2009 in Buenos Aires. In July, CICTE had taken part in a technical assistance mission in St. Kitts and Nevis, working with UNODC and the relevant committees of the Security Council. The World Customs Organization had taken part in a 2008 CICTE training programme for Andean States on best practices for maritime security. A similar event for Central American States had addressed such issues as supply chain security, risk assessment and management, regional information exchange and container examination. Most recently the Committee coordinator for the Caribbean had taken part in a subregional maritime security workshop for the south-eastern Caribbean to discuss the importance and relevance of the resolution.

44. Second, CICTE sought to strengthen law enforcement and customs procedures. Training courses were aimed mostly at front-line staff and addressed such topics as container inspection, passenger and luggage screening, risk assessment and management, and the detection of fraudulent documents. Under the leadership of Mexico, a series of subregional tabletop exercises on biological attack had also been planned. The first would take place in November 2009 in Cancún, in Mexico, and in the Dominican Republic. Subsequent exercises would be conducted in the Caribbean and in South America in 2010.

45. Third, the Secretariat for Multidimensional Security was cooperating with a range of international, regional and subregional entities working towards implementation of resolution 1540 (2004), including ODA. The Secretariat of CICTE had taken part in workshops sponsored by the United Nations Office for Disarmament Affairs in Lima, Peru, in November 2006, and in Kingston, Jamaica, in May 2007. CITCE was working with such organizations as the Caribbean Community, IAEA and the Stimson Center. An example of that cooperation was the Next 100 Project, which made connections between the needs of developing States and the provisions of the resolution and helped those States to obtain funding.

46. **Mr. Vilović** (Croatia) said that by adopting resolution 1540 (2004), the Security Council had shifted its focus towards the actions of individuals and groups not covered by previous treaties. At the Council summit of 24 September 2009, almost all of the participants had pointed out that no country was safe from terrorism. The world was faced with many imminent threats, including wilful disregard of non-proliferation commitments on the part of States, and attempts to develop, acquire or sell weapons of mass destruction and their means of delivery. New actors had emerged, for instance a more independent private sector with access to sensitive weapons technologies and dual-use industries. Privately owned companies could develop, produce and operate nuclear, chemical and biological equipment.

47. The Committee's comprehensive approach and its strong engagement with States had helped create a positive response. Assistance granted to developing States would both further the aims of the resolution and promote capacity-building in general. For instance, combating proliferation meant creating a trained police force and a functioning judiciary, and the measures taken would also help prevent human trafficking. However, many donor States continued to believe that the provision of equipment alone would ensure full implementation of the resolution. It was therefore important to stress both sustainable security and enhanced development. Moreover, the non-proliferation of weapons of mass destruction was not an end in itself. By pursuing nuclear disarmament and destroying their own weapons of mass destruction, major powers could encourage some other States to follow suit.

48. Implementation of the resolution was most effective when rooted in regional instruments and institutions, which were more closely adapted to local needs. It was vital to bolster coordination among the three subsidiary bodies of the Security Council. Civil society institutions deserved recognition for their tireless work in promoting a world free from weapons of mass destruction.

49. **The Chairman**, speaking in his national capacity, said that small developing middle-income countries, such as Costa Rica, accounted for about half of the Organization's membership. While that group of countries had submitted a large number of preliminary national reports to the Committee, such reports were often mere compilations of data and the group's actual level of awareness of the obligations imposed by Security Council resolution 1540 (2004) remained

quite low. The Committee should therefore continue its work to promote their awareness of the resolution and the actions that they must take pursuant to it.

50. Most small developing middle-income countries also lacked the capacity to implement the obligations arising from the resolution, owing to their obsolete legal frameworks governing weapons of mass destruction, related materials and their means of delivery. Those countries had inadequate mechanisms in place to update national legislation, measures and controls to meet the current threats. The Committee should therefore pay particular attention to the development of national capacities in the various areas covered by the resolution.

51. Furthermore, the implementation of the resolution was not a high priority for such countries, particularly as their relevant technical bodies had a very limited influence on the establishment of national priorities. The Committee should therefore work with parliamentarians and other political representatives of such countries to increase the level of priority that they attached to the implementation of the resolution.

52. In view of the low level of institutional development in small developing middle-income countries, inter-agency coordination was often inadequate. The Committee should therefore place greater emphasis on the establishment of national focal points and the development of national implementation plans.

53. The Committee's efforts to link up with regional and subregional bodies should also be improved. All of the existing shortcomings could better be addressed within the framework of regional and subregional strategies.

54. Finally, as a result of the aforementioned shortcomings, small developing countries had difficulties in formulating requests for technical assistance and, thus, in gaining access to such assistance. The Committee should therefore continuously review the mechanisms in place to provide support to States requesting and receiving technical assistance.

The meeting rose at 12.55 p.m.